

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3877 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- KURTHA District- Jehanabad

1. SARIF SAH Son of Late Hanif Shah R/o Village - Dhamaul, P.S.- Kurtha, Dist.- Arwal
2. Habib Sah @ Habu Sah Son of Julfan Sah R/o Village - Dhamaul, P.S.- Kurtha, Dist.- Arwal
3. Sukhni Khatoon @ Humara Khatoon Daughter of Julfan Sah R/o Village - Dhamaul, P.S.- Kurtha, Dist.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Neeraj, Advocate Kumari Anjani Sinha, Advocate
For the Opposite Party/s:		Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kurtha P.S. Case No. 144 of 2023 for the offence registered under sections 304 (B)/201/34 of the Indian Penal Code lodged on 01.05.2023 by the informant Munija Khatoon.

3. As per the prosecution story, the allegation against the petitioner is that when the victim lady was married with the Sanif Sah as per the muslim but was tortured for dowry and later, she made a call to the family and stated that she has



been poisoned and locked in the room. When the family members reach there, no one was there and the room was locked. Subsequently, the lady died.

4. Learned Counsel for the petitioners submits that they are grand father-in-law, maternal uncle and mother-in-law and nothing to do with the couple, even the allegation of poison that has come against the Sanif Sah who has subsequently surrendered on 20.03.2024 and a certificate to this effect issued by the learned Court of Chief Judicial Magistrate, Arwal has been provided to the Court. Let the same be kept on record.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts that the husband is now in jail, these petitioners are grand father-in-law, mother-in-law as also maternal uncle who will be facing the trial, this Court is inclined to grant relief to them.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Arwal in connection with Kurtha P.S. Case No. 144 of



2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who will provide official document to show his *bona fide*;

(ii) the petitioners will appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners will in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners will desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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